

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EVERETT STERN and TACTICAL
RABBIT, LLC,

Plaintiffs,

v.

ARACARI PROJECT, DAVID
MARCHANT, KYC NEWS, INC. d/b/a
OFFSHORE ALERT, KYESON UTLEY,
LINDSAY MORAN, SPYSCAPE
ENTERTAINMENT, and WILLIAM
RUZICH,

Defendants.

CIVIL ACTION

NO. 24-1222

O R D E R

AND NOW, this 21st day of March, 2025, upon consideration of Defendant Spyscape Entertainment's Motion to Dismiss (ECF No. 46) and all responses and replies thereto (ECF Nos. 50 and 52), **IT IS HEREBY ORDERED** that said Motion is **GRANTED** pursuant to Federal Rule of Civil Procedure 12(b)(2). It is further **ORDERED** that Counts I-X of Plaintiff's Amended Complaint (ECF No. 41) are **DISMISSED WITHOUT PREJUDICE** as pleaded against Defendant Spyscape Entertainment.

Further, upon consideration of Defendant Lindsay Moran's Motion to Dismiss (ECF No. 44) and all responses and replies thereto (ECF Nos. 48 and 54), **IT IS HEREBY ORDERED** that said Motion is **GRANTED** pursuant to Federal Rule of Civil Procedure 12(b)(2). It is further **ORDERED** that Counts I-X of Plaintiff's Amended Complaint (ECF No. 41) are **DISMISSED WITHOUT PREJUDICE** as pleaded against Defendant Lindsay Moran.

Finally, upon consideration of Defendant David Marchant, KYC News, Inc. d/b/a Offshore Alert's (together, the "Marchant Defendants") Motion to Dismiss (ECF No. 45) and all responses and replies thereto (ECF Nos. 49, 53, 55, and 56) **IT IS HEREBY ORDERED** that

Plaintiff's Amended Response in Opposition (ECF No. 55) is **STRICKEN** for failure to abide by local rules. It is further **ORDERED** that the Marchant Defendants' Motion (ECF No. 45) is **GRANTED AS UNCONTESTED** pursuant to Federal Rule of Civil Procedure 12(b)(2).

BY THE COURT:

/s/ WENDY BEETLESTONE
WENDY BEETLESTONE, J.